

# Exhibit G

**In the Matter of:**  
**Turing Pharmaceuticals & Impax Laboratories**

*September 12, 2019*  
*Anne Kirby*

**Condensed Transcript with Word Index**



For The Record, Inc.  
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Kirby

## Turing Pharmaceuticals &amp; Impax Laboratories

9/12/2019

1	3
1 FEDERAL TRADE COMMISSION	1 I N D E X
2	2
3 TURING PHARMACEUTICALS, )	3 WITNESS: EXAMINATION:
4 a corporation, )	4 ANNE KIRBY
5 and ) Matter No.	5 BY MR. HUYETT 5
6 IMPAX LABORATORIES, ) 1610001	6 BY MR. WEINER 267
7 a corporation. )	7
8 -----)	8
9	9 EXHIBITS REFERENCED PAGE
10 Thursday, September 12, 2019	10 GX 1022 7
11	11 GX 1023 243
12 Room 7104	12 GX 1024 208
13 Federal Trade Commission	13 GX 1025 144
14 400-7th Street, S.W.	14 GX 1026 159
15 Washington, D.C. 20020	15 GX 1027 223
16	16 GX 1028 239
17 The above-entitled matter came on for	17 GX 1029 218
18 investigational hearing, pursuant to notice, at	18 GX 1031 196
19 9:00 a.m.	19 GX 1032 225
20	20 GX 1033 150
21	21 GX 1034 169
22	22 GX 1035 163
23	23 GX 1036 174
24	24 GX 1037 137
25	25 GX 1038 133
2	4
1 APPEARANCES:	1 EXHIBITS REFERENCED PAGE
2	2 GX 1042 186
3 ON BEHALF OF THE FEDERAL TRADE COMMISSION:	3 GX 1043 171
4 D. PATRICK HUYETT, ESQ.	4 GX 1045 140
5 LAUREN K. PEAY, ESQ.	5 GX 1046 244
6 Federal Trade Commission - Health Care Division	6 GX 1047 248
7 400-7th Street, N.W.	7 GX 1048 182
8 Washington, D.C. 20024	8 GX 1050 255
9 (202) 326-3209	9
10 dhuyett@ftc.gov	10
11	11
12 ON BEHALF OF VYERA:	12
13 MICHAEL L. WEINER, ESQ.	13
14 SAM STELK, ESQ.	14
15 Dechert LLP	15
16 1095 Avenue of the Americas	16
17 New York, New York 10036-6797	17
18 (212) 698-3500	18
19 michael.weiner@dechert.com	19
20	20
21 ALSO PRESENT:	21
22 Anusha Sunkara, FTC Law Clerk	22
23 James Fang, Vyera General Counsel	23
24	24
25	25

217

219

10 **Q. Who is Akeel Mithani?**

11 A. Akeel Mithani is executive director and head of  
12 business development.

13 **Q. Is that his current role?**

14 A. Yes.

15 **Q. Has that always been his role?**

16 A. He started at the company as executive  
17 director. The head of business development might have  
18 been added later on just to more accurately capture his  
19 role.

20 **Q. What does he do in that role from your  
21 understanding?**

22 A. Akeel's role is largely -- he sits on the  
23 leadership team, and then he looks for new product  
24 opportunities for Vyera, such as licensing deals,  
25 assets that we might want to purchase to distribute.

218

220

1 the drug.

1 **Q. Is he involved with the distribution of  
2 Daraprim?**

3 A. Ah, just as it pertains to being a part of the  
4 leadership team.

5 **Q. What does that mean?**

6 A. He's on the senior leadership team, so anything  
7 that would be, you know, discussed between the  
8 leadership team, he would be a part of.

9 **Q. What was Mr. Mulleady's role at Vyera at this  
10 time?**

11 A. I believe it was also executive director.

12 **Q. What was Mr. Mulleady responsible for, as you  
13 understand it?**

14 A. Mr. Mulleady, like Mr. Mithani, was on the  
15 leadership team. We did not have a CEO at the time, so  
16 he was guiding and leading the company.

17 **Q. What was Mr. Emmens' role at this time?**

18 A. Scott Emmens -- I'm not sure based on that  
19 date. He was either head of sales or chief commercial  
20 officer.

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22 Q. What does "par level" mean?

23 A. "Par level," that's a distributor term for a  
24 level -- just a level, like a size of an order.

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**Q. What was Mr. Mulleady's position at this time?**

A. Executive director.

**Q. And in that position, he was effectively leading Vyera?**

A. My perception was that, yes, that Akeel and Kevin were running the company.

**Q. I am going to show you a document that's been marked as GX 1032, and I'll read what GX 1032 appears to be. The bottom email, which is the email I'm going to focus on, appears to be a September 11th, 2018,**

227

compensation for the sales team. He determines territories for the sales team.

**Q. Who is Curtis Fisher?**

A. Curtis Fisher is our head of marketing and sales.

226

email from Anne Kirby to Marco Polizzi, Chris Lau, and Curtis Fisher. It begins with the Bates number FTC-Vyera00214640 and ends with the Bates number FTC-Vyera00214641.

**Does GX 1032 look familiar to you?**

A. Yes.

**Q. What is it?**

**Q. Who is Marco Polizzi?**

A. Marco Polizzi is the CEO of an affiliate company of Vyera Pharmaceuticals called Oakrum.

**Q. What does Oakrum do?**

A. Oakrum manufactures generic products.

**Q. Does Oakrum currently manufacture any generic products?**

A. They currently own a few products, but they are not FDA-approved yet.

**Q. Who is Chris Lau?**

A. Chris Lau is our director of analytics.

**Q. What does he do in that position?**

A. He is in receipt of all of the distribution data that we spoke about earlier. He does incentive

228

237

1 historical trends?

[REDACTED]

239

[REDACTED]

19 Q. I am just going to show you a document marked  
20 GX 1028. GX 1028 appears to be an April 4th, 2018,  
21 email exchange between Anne Kirby and Akeel Mithani.  
22 It has the Bates number FTC-Vyera00102763.

23 Does this email exchange look familiar to you?

24 A. Yes.

25 Q. Okay. What is it?

238

[REDACTED]

240

1 A. This is an email regarding a purchase from a  
2 specialty pharmacy of Daraprim.

[REDACTED]

21 Q. What is a – KAM is key account manager?

22 A. Yes.

[REDACTED]

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256

**Q. Do you send emails from this email address?**

A. I don't believe I've ever sent an email from it.

**Q. Are you aware of anyone else at Vyera sending emails from this email address?**

A. From akirby or from --

**Q. Sorry.**

**Are you aware of anyone else at Vyera sending emails from their own vescegroup.com email address?**

A. I'm not sure of all the instances. I believe that Pat Merino has used it on occasion when he's -- when he was supporting Oakrum.

**Q. Anyone else you can think of?**

A. No. I think sometimes I notice it because somebody's accidentally grabbed the wrong one, but I can't even tell you whose name.

**Q. Do you know why people at Vyera would continue to use these email addresses after the decision was made not to separate these two functions?**

A. I can't think of a reason why they would except for just accidentally.



257

1 [REDACTED]  
2 **Q. And Mr. Merino reports to you, correct?**

3 A. That's correct.  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]

15 **Q. And which members of the senior leadership team?**

16 A. Nick Pelliccione, Akeel Mithani, Kevin Mulleady  
17 at the time he was employed, and now Averill Powers.  
18

19 **Q. You're referring to Mr. Mulleady when you say**  
20 **"at the time he was employed"?**

21 A. Yeah. So based on this date, he would not have  
22 been.

23 **Q. But Mr. Powers would have been?**

24 A. Yes. Ah, yes.

25 **Q. What does Mr. Powers do at Vyera?**

259

1 **Q. Who was involved?**

2 A. It was myself, Averill, Akeel, and Jim  
3 McLaughlin, who is our head of HR.

4 **Q. Who first proposed a different position for**  
5 **you? Strike that.**

6 **Who first proposed you leaving the CEO**  
7 **position?**

8 A. If recollection serves, it was me. It was very  
9 mutual in nature, but I believe it was my suggestion.

10 **Q. Remind me why you made that suggestion.**  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

258

1 A. Mr. Powers is our general counsel and chief  
2 strategy officer.

3 **Q. What's your understanding of his**  
4 **responsibilities?**

5 A. He's a leader in the organization from a  
6 business strategy standpoint, making big decisions for  
7 the company, like products to invest in and kind of the  
8 direction of the company, as well as general counsel.

9 **Q. So he makes big strategic decisions for the**  
10 **company?**

11 A. Yes.

12 **Q. And he's also general counsel?**

13 A. Yes.

14 **Q. Do you know why Vyera does not have a chief**  
15 **executive officer right now?**

16 A. Not specifically. My understanding is that we  
17 have a chief executive officer of our parent company,  
18 and then at the Vyera level, we have executive  
19 leadership in certain functional areas, and we -- my  
20 understanding is that the company didn't feel the need  
21 for that additional head count.

22 **Q. Did you agree -- strike that.**

23 **Did you volunteer to leave the CEO position**  
24 **that you were in?**

25 A. It was a mutual decision, I would say.

260

1 [REDACTED]  
2 **Q. You recently mentioned a company called Oakrum.**  
3 **Is that right? What is Oakrum again?**

4 A. Oakrum is an affiliate company of Vyera's. The  
5 focus of Oakrum Pharmaceuticals is on manufacturing  
6 generic medications.  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]